

**REMARKS/ARGUMENTS**

This amendment is in response to the Office Action of July 21, 2008 in which the Examiner (1) rejected claims 1, 3, 4, 7, 13-14 and 17-18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,143,428 ("**Bruck**"), (2) rejected claims 9-10, 12 and 19 under 35 U.S.C. 103(a) as being unpatentable over **Bruck** in view of U.S. Patent No. 6,757,365 ("**Bogard**") and (3) rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over **Bruck**, further in view of U.S. Patent No. 6,968,364 ("**Wong**") and U.S. Patent No. 6,889,321 ("**Kung**").

Applicant appreciates the courtesy extended to the undersigned attorney during phone interviews on August 14 and August 19, 2008. During those interviews, the status of the Supplemental Amendment dated July 25, 2008 was discussed. The Office Action was received by Applicant after filing the Supplemental Amendment. The Examiner stated that the Supplemental Amendment would not be entered since it was received at the PTO after the Office Action was mailed. The Examiner indicated that the claims in the Supplemental Amendment might be distinguishable from the cited references, and suggested that this Response to the Office Action be filed with claims as presented in the Supplemental Amendment.

Accordingly, by this Amendment, claim 1 has been amended (as in the Supplemental Amendment).

Applicant will not repeat the arguments made in the Supplemental Amendment, but believe they correctly point out the reasons for the currently amended claims being allowable over all of the cited references. The Examiner's consideration of those arguments and the allowance of the currently amended claims is respectfully requested.

In reviewing the latest Office Action, Applicant notes that the Examiner now additionally refers to the remote server 94 in **Bruck** (and the corresponding description for Fig. 4 at cols. 6 and 7 of **Bruck**) as performing some of the functions recited in claim 1, such as storing instant messaging content (see page 3 of the Examiner's Remarks). While the differences between the claims and **Bruck** were pointed out in the Supplemental Amendment, Applicant further points out the remote sever 94 in **Bruck** and its corresponding description relate to the general features of servers on the World Wide Web and the storing and viewing of websites and

web pages as data files on those servers. It has nothing to do with storing and aggregating instant messaging content for tracking purposes as recited in claim 1.

Finally, in the event the Examiner conducts further searching and cites new references, or otherwise finds any of the presently pending claims not allowable, it is respectfully requested (out of fairness to Applicant) that the next Office Action not be made final, inasmuch as the claims were presented by Applicant (in the Supplemental Amendment) only three weeks after filing the RCE.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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